



#23  
mb  
4/29/02

Docket No.: PF112P2D2  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of: Hu et al.

Application No.: 09/257,272

Group Art Unit: 1647

Filed: February 25, 1999

Examiner: R. Landsman

For: Vascular Endothelial Growth Factor 2

RECEIVED  
APR 24 2002  
TECH CENTER 1600/2900

**SIXTH SUPPLEMENTAL  
INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
Washington, DC 20231

Dear Sir:

In accordance with the duty of disclosure imposed by 37 C.F.R. § 1.56 to inform the Patent and Trademark Office of all references coming to the attention of each individual associated with the filing or prosecution of the subject application, which are or may be material to the patentability of a claim of the subject application, Attorneys for Applicants hereby direct the Examiner's attention to the Statutory Declarations and accompanying appendices and exhibits as follows:

- (a) Statutory Declaration of Susan Power, executed on March 22, 2002, and accompanying Appendices I to IV;
- (b) Statutory Declaration of Nicholas Kim Hayward, executed on March 26, 2002;
- (c) Statutory Declaration of Stuart A. Aaronson, executed on March 22, 2002, and accompanying Appendices I to III; and
- (d) Statutory Declaration of Gary Baxter Cox, executed on March 22, 2002, and accompanying Exhibit GBC-24 (which is a copy of a Statutory Declaration by Peter Adrian Walters dated October 26, 2001 together with Exhibit 1 served in opposition by Ludwig Institute for Cancer Research against Australian Patent Application 710696 in the name of Genentech, Inc.).

The above-listed declarations and accompanying appendices and exhibits were filed by Applicants in connection with an opposition to an Australian application that essentially corresponds to the U.S. priority application in this case. A copy of the above-listed Declarations and accompanying appendices and exhibits thereto, are enclosed.

The above information is presented so that the Patent and Trademark Office can determine any materiality thereof to the claimed invention. See 37 CFR 1.104(a) concerning the PTO duty to consider and use any such information. It is respectfully requested that the information be considered during the prosecution of this application.

Identification of the listed reference(s) is not to be construed an admission of any individual associated with the filing or prosecution of the subject application that such references are available as "prior art" against the subject application. Furthermore, Applicants do not waive any rights to appropriate action to establish patentability over any of the listed documents should they be applied as references against the claims of the subject application.

Applicants respectfully request that the Examiner acknowledge receipt of the enclosed Declarations and appendices and exhibits attached thereto, in the file of the instant application.

Pursuant to 37 C.F.R. § 1.97(c)(1), the Patent Office will consider this Sixth Supplemental Information Disclosure Statement if filed before the mailing date of a final Office Action under §1.113, a notice of allowance under §1.311, or an action that otherwise closes prosecution in this application and accompanied by the statement set forth in § 1.97(e)(1).

Accordingly, the undersigned certifies pursuant to 37 C.F.R. § 1.97(e)(1) that each item of information contained in this Sixth Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of this Sixth Supplemental Information Disclosure Statement. In particular, the listed documents were cited in an Opposition in connection with a corresponding foreign application.

Pursuant to 1.97(c)(1) no fee is believed due for this submission. However, should the Patent Office determine otherwise, please charge the required fee to Human Genome Sciences, Inc., deposit account no. 08-3425. A Fee Transmittal is enclosed.

Dated: April 18, 2002

Respectfully submitted,

By   
Michele M. Wales (Registration No.: 43,975)  
Attorneys for Applicant

**HUMAN GENOME SCIENCES, INC.**  
9410 Key West Avenue  
Rockville, MD 20850  
Phone: 301-610-5772

Enclosures  
MMW/AKR/lcc